

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**WESCO INSURANCE COMPANY *and*
AMSTRUST INTERNATIONAL
UNDERWRITERS DAC**

PLAINTIFFS

v.

CIVIL ACTION NO. 2:20-cv-159-TBM-MTP

**LEFREDDERICK DOVE *and*
S & D MOBILE HOME MOVERS, LLC**

DEFENDANTS

ORDER

Before the Court are Defendant LeFredderick Dove's Motion to Dismiss or in the Alternative Motion for Summary Judgment [26] and Plaintiffs' Motion to Defer Ruling [34] on Defendant Dove's Motion to Dismiss or for Summary Judgment. Defendant Dove filed his Motion to Dismiss or in the Alternative Motion for Summary Judgment [26] on April 4, 2021. In response, the Plaintiffs filed their Motion to Defer Ruling [34] on April 29, 2021, requesting this Court to defer ruling on Defendant Dove's Motion until the parties completed discovery. Since the time these two motions were filed, the parties conducted discovery and all parties have filed motions for summary judgment. *See* [86], [88], and [90]. Defendant Dove's new Motion for Summary Judgment [88] incorporates his previous Motion [26] and asserts similar arguments. [88], pg 1; [89], pp. 17-21.


Therefore, the Court finds that Defendant Dove's Motion to Dismiss or in the Alternative Motion for Summary Judgment [26] should be denied without prejudice. Defendant Dove's new Motion for Summary Judgment [88] reasserting his previous Motion—along with Plaintiffs' Motion for Summary Judgment [86] and Defendant S & D Mobile Home Movers, LLC's Motion

for Summary Judgment [90]—is under consideration by the Court. Moreover, Plaintiffs’ Motion to Defer Ruling [34] should be denied as moot.

IT IS THEREFORE ORDERED AND ADJUDGED that, for the reasons stated above, Defendant Dove’s Motion to Dismiss or in the Alternative Motion for Summary Judgment [26] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiffs’ Motion to Defer Ruling [34] is DENIED as moot.

THIS, the 4th day of February, 2022.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE